

# ADDENDUM 1

## Volume 12

W2003 00669-CCA73-PD

**FILED**  
JUDY BARNHILL, CIRCUIT COURT CLERK  
JUN 03 2003  
DEPUTY CLERK  
BY  
AM  
PM

1 IN THE CIRCUIT COURT OF  
2 MADISON COUNTY, TENNESSEE  
3 AT JACKSON, DIVISION I  
4

5 JON HALL,

6 Petitioner,

7 vs.

No. C00-422

8 STATE OF TENNESSEE,

9 Defendant.  
10

11 HEARING ON POST-CONVICTION

12 RELIEF PETITION

13 MAY 16, 2002

14 VOLUME IV OF IV  
15

16  
17  
18  
19  
20  
21 AMY MAYS

22 OFFICIAL COURT REPORTER

23 MADISON COUNTY JUSTICE COMPLEX

24 JACKSON, TENNESSEE 38301

25 (731) 423-6039

**FILED**

JUL 24 2003

Clerk of the Courts  
Rec'd By. *[Signature]*

472

**ORIGINAL**

*Vol. 12*

1

2 THE COURT: We left off with Mr.  
3 Ford yesterday, and I believe it's  
4 anticipated to start with Mr. Hall this  
5 morning.

6 MR. ELLIS: Actually, Your  
7 Honor, we want to ask to call Diana  
8 Pearson.

9 THE COURT: Diana Pearson then  
10 come forward.

11 Is Diana Pearson probably in the  
12 hall?

13 MR. ELLIS: Yes, Your Honor.

14 THE COURT: We need to call her  
15 in.

16 COURT OFFICER: She's not here.

17 MR. ELLIS: We want to get her  
18 here the next time, if we can.

19 THE COURT: Well now I want to  
20 get an understanding. Of course, we're  
21 available, and I offered to get them  
22 last night. I don't want to come back  
23 in September and we've got a whole bunch  
24 more witnesses that should be put on.

1 We've got an understanding on that.  
2 That's why I'm here today and offered to  
3 be here tomorrow. State for the record.  
4 Is that agreed?

5 MR. ELLIS: Yes, Your Honor.

6 MR. BUCHANAN: Yes, sir.

7 THE COURT: Okay. She's  
8 obviously not here.

9 MR. ELLIS: Your Honor, I'm also  
10 going to understand that probably Alice  
11 Pearson won't be here as well.

12 THE COURT: Let's ask, though.  
13 Alice Pearson.

14 Let's call her name out also.

15 COURT OFFICER: She's not here.

16 MR. ELLIS: Your Honor, then to  
17 preserve their testimony, we would ask  
18 that we call April Higuera just for an  
19 offer of proof. She's our investigator.  
20 We understand everything she would say  
21 would be totally hearsay, but yet to  
22 preserve the record of what was  
23 available.

24 THE COURT: Does the State want

1 to comment on it?

2 MR. EARLS: It's obviously  
3 hearsay, but if the Court wants to allow  
4 them a proffer, it's the Court's  
5 discretion on that.

6 THE COURT: Note again, I  
7 offered last evening as we quit, since  
8 they were in violation of subpoena, to  
9 have law enforcement go find them, if at  
10 all possible, and defense has indicated  
11 they didn't want that, Petitioner's  
12 counsel has, and then I also heard that  
13 same comment this morning that you  
14 didn't want that either. I'll let you  
15 make the offer of proof. I just don't  
16 know what value it will be later when  
17 other efforts were turned down. So let  
18 her come around as an offer of proof and  
19 be sworn. I guess it will be determined  
20 later whether it's of any value.

21 (April Higuera was  
22 called and duly sworn.)

23 MR. ELLIS: Your Honor, before  
24 we begin, my esteemed counsel has asked

1 that we do ask for a writ of attachment  
2 on Diane Pearson and Alice Pearson.

3 THE COURT: That means two that  
4 -- We're going to give that 'til in the  
5 morning, so we'll need to be here in the  
6 morning, because if it takes that long  
7 to find them to get them on, that's the  
8 purpose of these three days.

9 MR. ELLIS: Yes, Your Honor.

10 THE COURT: I'm going to let her  
11 step down then at this time, and let's  
12 try to get them here. Okay. Let's get  
13 Ms. Page in here and tell her what we  
14 need to do when we get an officer that  
15 can go find her. We just need the names  
16 and addresses written down, and we might  
17 find them today, it might be in the  
18 morning, but it'll go to law  
19 enforcement. If they're not found  
20 today, we will be here at eight a.m. in  
21 the morning to determine whether they've  
22 been found to testify.

23 MR. ELLIS: Your Honor, before  
24 we -- can we have just about five

1 minutes? I want to make sure that they  
2 were served.

3 THE COURT: Okay. You just said  
4 they were served yesterday I thought.  
5 Double-check, that's correct.

6 MR. ELLIS: Well I called the  
7 process server, I told him if he didn't  
8 get anybody served to call me back and  
9 he has not.

10 THE COURT: Double-check that.

11 MR. ELLIS: I want to double-  
12 check that before we --

13 THE COURT: That's real  
14 important, yes.

15 MR. ELLIS: -- throw anybody in  
16 jail.

17 THE COURT: Could we proceed on  
18 with anything else?

19 MR. BUCHANAN: Yes, sir, he can  
20 be checking that. I have a couple of  
21 housekeeping things.

22 Judge, I'd like to request, the  
23 Court is familiar with the testimony  
24 wherein Mr. Ford said that they did not

1 have the opening statements or the final  
2 arguments typed up. I would like to  
3 formally request that be done and made a  
4 part of this record.

5 THE COURT: Does the State have  
6 any comment?

7 MR. EARLS: Opening statement  
8 and final on what?

9 MR. BUCHANAN: On the trial  
10 itself.

11 MR. EARLS: Oh, okay. That's  
12 fine.

13 THE COURT: I certainly would  
14 approve it.

15 MR. BUCHANAN: Thank you. And  
16 if it's not too much trouble, Judge, at  
17 some point I'd like to get this hearing  
18 typed up sometime in the future, if  
19 that's possible.

20 The most important thing I have  
21 to tell the Court this morning is,  
22 Judge, you'll remember I had expressed  
23 to you last Friday that I had some  
24 reservations about calling Mr. Hall.



1 That changed as of Monday because I saw  
2 a window of opportunity with Mr. Hall.  
3 I think the Court's aware, Mr. Hall can  
4 sometimes -- and the testimony's been  
5 pretty clear -- can sometimes go from A  
6 to Z in his feelings about different  
7 things.

8 I left here fully intending to  
9 call him this morning. Mr. Ellis and I  
10 spent about an hour and a half with him  
11 in the jail last night, and I honestly  
12 feel that opportunity has closed itself  
13 at this point for several reasons.

14 What I thought I had control, an  
15 ability to reasonably predict, as any  
16 lawyer needs to, how the testimony will  
17 come off, I lost that ability last  
18 night. I'm not saying that I wouldn't  
19 want to call him in the future, but I  
20 would want Dr. Caruso here in case what  
21 happens -- what might happen happens so  
22 that I could have Dr. Caruso to explain  
23 that. It has to do with very much what  
24 you saw at about 8:00 yesterday morning.

1 Sometimes Mr. Hall gets almost  
2 incompetent, is the word for it. I  
3 don't say that he's legally incompetent,  
4 but the ability to communicate just  
5 leaves him. It's like when the Court  
6 told him yesterday to hush, and he has  
7 it in his mind that you just have to  
8 hear something that he has to say, and  
9 as the Court -- the Court immediately  
10 lost control of him. I've had the  
11 similar experience, and I'd like an  
12 opportunity to discuss that also with  
13 Dr. Caruso and see if there is some  
14 medication perhaps that could stabilize  
15 this situation because, when I go into  
16 the jail or the penitentiary and I talk  
17 to Jon, sometimes it's a really good  
18 meeting and I couldn't even in a remote  
19 way say that he's incompetent. He can  
20 cooperate with counsel and he knows what  
21 he's talking about. Then there's those  
22 other times, very similar to what you  
23 saw yesterday morning, in which it would  
24 be a nightmare to have him take the

1 stand. Whatever point I would score on  
2 direct, -- and this is actually where I  
3 lost him last night. I had direct down  
4 pretty good, but cross-examination, I  
5 don't believe he'd survive it for -- not  
6 after last night.

7 So I have to tell you this  
8 morning, I have no evidence to go  
9 forward on short of Mr. Ellis coming  
10 back and seeing about the Pearsons.

11 THE COURT: You're telling me at  
12 this point in time -- you know we've got  
13 all day today and we've got all day  
14 tomorrow and you're not putting on your  
15 client because of the reasons you just  
16 stated.

17 MR. BUCHANAN: For the reasons I  
18 just stated, yes, sir. And I --

19 THE COURT: Knowing this is his  
20 opportunity as part of his case on his  
21 petition to testify. We've got two full  
22 days if we need it.

23 MR. BUCHANAN: Oh, I -- I never  
24 anticipated he'd be on the stand that

1 long, but I left here, I told the Court,  
2 I told The Jackson Sun. I thoroughly  
3 intended to put him on this morning.  
4 Mr. Ellis and I went to the jail last  
5 night to do the last finishing touches,  
6 and without going into it too deep, it  
7 became a disaster. I don't know any  
8 other word to use. And it's beyond my  
9 feeble knowledge that I have to control  
10 him in what I would consider a normal  
11 manner.

12 THE COURT: Do you want to  
13 question your client under oath as to  
14 whether he wants to testify today?

15 MR. BUCHANAN: I -- Judge, I  
16 have no doubt he wants to testify, and I  
17 want him to testify.

18 THE COURT: Is it not his  
19 decision if he wants to testify?

20 MR. BUCHANAN: It absolutely is,  
21 and I don't want the record to even  
22 think for a minute I'm taking that away  
23 from him. I'm not. But I do think -- I  
24 would like the opportunity to get with

1 Dr. Caruso and see if there is some  
2 medication that could stabilize him a  
3 little bit, number one; number two, if  
4 he does go --

5 THE COURT: Have you not had an  
6 opportunity to work with Dr. Caruso  
7 already on this case?

8 MR. BUCHANAN: Yes, sir, I have.

9 THE COURT: You talk about your  
10 client on numerous occasions?

11 MR. BUCHANAN: Yes, sir, I have.

12 THE COURT: Knowing how far in  
13 advance this case has been set?

14 MR. BUCHANAN: Judge, I can't  
15 predict his -- I can't predict Jon all  
16 the time. I mean, --

17 THE COURT: Well you've known  
18 that all along; have you not?

19 MR. BUCHANAN: I understand, but  
20 --

21 THE COURT: He's had numerous  
22 lawyers in the past, and you all seem to  
23 communicate well on that problem; do you  
24 not?

1           MR. BUCHANAN: We have, we  
2 absolutely have. But I --

3           THE COURT: So why haven't you  
4 done something, after telling everybody  
5 differently, before 8:30 this morning?  
6 Knowing your client wants to testify.

7           MR. BUCHANAN: Judge, I don't  
8 like telling you this. I went and  
9 talked to his family, and Danny doesn't  
10 like telling you. None of us like  
11 telling you this, but he -- we -- he --  
12 you know, I just think it would be a  
13 disaster to put him on this morning in  
14 light of what happened yesterday. And  
15 we had him under control yesterday all  
16 during the course of the trial.

17          THE COURT: But you're  
18 describing -- Are you not describing to  
19 me this morning the same type behavior  
20 you've been experiencing with Mr. Hall  
21 along, that you've described prior to  
22 this morning?

23          MR. BUCHANAN: On and off.

24          THE COURT: Okay. So we're in

1 agreement with that; are we not?

2 MR. BUCHANAN: We are.

3 THE COURT: So why haven't you  
4 -- if you've got these other areas you  
5 want to look to as to him possibly  
6 testifying later is what you're telling  
7 me, why haven't you already addressed  
8 those problems with Dr. Caruso prior to  
9 today's date?

10 MR. BUCHANAN: I have tried, but  
11 everything that --

12 THE COURT: Tell me specifically  
13 what you have done to try to address  
14 these problems with Dr. Caruso, when and  
15 what.

16 MR. BUCHANAN: I met -- Ms.  
17 Higuera and I met with him last Friday  
18 and asked him if there was some kind of  
19 medication or something. He said he  
20 would like to get the serotonin levels  
21 back before he could come to anything  
22 like that. He had spent two hours with  
23 him, and he -- without -- I -- I don't  
24 mind them knowing my expert.

1           THE COURT: If you want to talk  
2 ex parte, I'll do it because I want to  
3 hear from you.

4           MR. BUCHANAN: Yes, sir, I would  
5 like to talk ex parte on this.

6           THE COURT: We're going to step  
7 into chambers. Give me just a few  
8 minutes before you come back there.

9           (After a recess, the  
10 following proceedings  
11 were had:)

12          THE COURT: What I've decided to  
13 do since Mr. Buchanan has announced that  
14 his client wants to testify but he's not  
15 in a position to put him on today and he  
16 wants to consult with Dr. Caruso that  
17 he's had some opportunities in the past  
18 to work with on this case and talked to  
19 as recently as last Friday about  
20 medication for his clients and some  
21 other reasons he stated, I'm going to go  
22 ahead, noting that further medical  
23 examinations are July 31st and those  
24 experts need approximately two weeks to



1 conclude their matters and submit  
2 reports, and I'm going to schedule this  
3 for September.

4 I'm going to schedule it for two  
5 weeks' time, gentlemen. You're going to  
6 be with me starting September the 4th,  
7 and you're going to be with me for two  
8 weeks, cancelling everything you've got  
9 if that's what it takes, starting  
10 September 4th, two weeks. I'm going to  
11 work it in with everything else I've  
12 got, and you'll sit here and wait 'til  
13 we can get to it. That's my criminal  
14 docket. We'll start it when I can start  
15 it because it's going in with everything  
16 else. I've tried to accommodate you on  
17 special days. I've tried to work with  
18 you in every way possible, and you tell  
19 me one thing, and then you tell me  
20 another. I question sometimes what  
21 direction you are going and whether  
22 you've told me the right and truthful  
23 thing in the first place, but I -- I'm  
24 taking you at your word today again.

1 I'm trying to give you everything  
2 necessary time-wise to do what you need  
3 to do. This will fulfill your desire  
4 today. But I want you here at 7:30 on  
5 September 4th, 7:30 a.m., and we will be  
6 here, and plan on it -- we will be here  
7 at least, at least, through September  
8 the 13th, but you could go the full two  
9 weeks which would be into the next week.  
10 And again, I have other cases scheduled,  
11 jury trials, but I have a busy docket,  
12 and I've got to tend to it, and this is  
13 one of them I've got to tend to.

14 Now, with that having been said,  
15 I want -- I want monthly reports between  
16 now and then. If this needs to be about  
17 the experts, certainly it will be ex  
18 parte. The State understands that. I  
19 will not continue this case. We've got  
20 those two weeks scheduled, and we will  
21 start as I've stated. I want an order  
22 to go down to that effect. I want you  
23 to draw up that order, and I want Mr.  
24 Buchanan to draw it up, and I want it

1 submitted to me within seven days.

2 MR. BUCHANAN: Yes, sir.

3 THE COURT: Now, any questions  
4 about what I've said?

5 MR. ELLIS: The ending, Your  
6 Honor? I'm just trying to block it out.  
7 The ending date?

8 THE COURT: Oh, the ending date.  
9 I want you to be committed for two full  
10 weeks.

11 MR. ELLIS: Through the 18th,  
12 Your Honor?

13 THE COURT: That would be  
14 through the 18th. And just for an  
15 example, I've got a first degree murder  
16 trial on the 17th, among other things.

17 MR. BUCHANAN: So there is no  
18 misunderstanding, --

19 THE COURT: Oh, yeah, be  
20 prepared. We'll proceed on Saturdays  
21 and Sundays. Sundays have been declared  
22 to be legal. We'll just do whatever it  
23 takes to get this case heard. Mr. Jon  
24 Hall is entitled to that.

1 MR. BUCHANAN: Yes, sir. Judge,  
2 if I --

3 THE COURT: Any questions?

4 MR. BUCHANAN: No, sir. I want  
5 the Court to know, if I schedule  
6 something on the 20th and for some  
7 reason we've got to go the 20th, I'm  
8 prepared to cancel the 20th.

9 THE COURT: I understand. We're  
10 going to start on the 4th at eight a.m.  
11 Put in the order again that will include  
12 remaining here and being available on  
13 Saturdays and Sundays for purpose of a  
14 hearing.

15 Does the State have any  
16 questions?

17 MR. EARLS: No, sir.

18 THE COURT: Okay. Monthly  
19 reports in that order, too, to me. Ex  
20 parte is fine dealing with experts. And  
21 I want to hear from you. That means, I  
22 assume, monthly reports -- let's see --

23 MR. BUCHANAN: First of each  
24 month?

1 THE COURT: Well you're going to  
2 be calling me the first of June then. I  
3 just don't want any confusion about it,  
4 so let's say by the -- between the 1st  
5 and the 5th, so that will give you some  
6 latitude there in case the 1st falls on  
7 the weekend.

8 MR. BUCHANAN: I would prefer to  
9 do a phone call and follow up with a  
10 written memo of that phone call. Would  
11 that be appropriate?

12 THE COURT: Conference call is  
13 fine. I've got no problem with that as  
14 long as we're staying on track and you  
15 understand what the significance of  
16 these September dates are.

17 MR. BUCHANAN: I do, Your Honor.

18 THE COURT: And all of your  
19 experts understand that. Get your  
20 subpoenas out. Everybody's got to be  
21 committed for September 4th. You just  
22 have to remain with me until we finish  
23 the case.

24 Now, as far as these two missing

1 witnesses, the two missing witnesses,  
2 I'll take up their testimony tomorrow at  
3 1:00, give us plenty of time to find  
4 them if that's what you want to do.

5 But Mr. Ellis has got to go  
6 across the hall and see if they were  
7 actually served. Right?

8 MR. ELLIS: Yes, Your Honor.  
9 I'll be back in five minutes to report.

10 THE COURT: We can stand in  
11 recess if that's the last matter we have  
12 before you gentlemen leave today. Is  
13 there anything else?

14 MR. BUCHANAN: Judge, since our  
15 telephone conversation was off the  
16 record, I don't want Mr. Ellis to leave  
17 yet. I do want the record to reflect  
18 that as of last Friday, I did express to  
19 the Court that I did not want to call  
20 Mr. Hall without Mr. Caruso having  
21 completed his things, and I -- honest to  
22 goodness, Judge, it was an accommodation  
23 to the Court because the Court had set  
24 aside so much time --

1           THE COURT: I recall it somewhat  
2 differently, but you go ahead and put  
3 what you want on the record. And I  
4 certainly don't even recall that intent  
5 yesterday or desire that you wanted to  
6 put it off. But you go ahead and put on  
7 the record today what you think last  
8 weekend's phone call was.

9           MR. BUCHANAN: I thought last  
10 Friday's phone call I had expressed that  
11 I preferred not to put Jon on until  
12 Caruso was through with his testimony as  
13 of last Friday. As of Monday when I  
14 talked to you, I thought I had  
15 sufficient control of him, that since  
16 you had this time set aside, I could, in  
17 fact, put him on. And I just wanted the  
18 record to reflect that. And quite  
19 frankly, Judge, I would like to question  
20 Mr. Ellis about the phone call on  
21 Friday, too, because -- I just would  
22 like to do it for the record, if that's  
23 all right.

24           THE COURT: Do you want to swear

1 him in, or do you just want to hear his  
2 testimony? I want to do what you want  
3 to do on that.

4 MR. BUCHANAN: He's an officer  
5 of the Court.

6 THE COURT: I'm satisfied. I  
7 just wanted to make sure you were, Mr.  
8 Buchanan.

9 MR. BUCHANAN: Mr. Ellis, you  
10 are Danny Ellis; are you not?

11 MR. ELLIS: Let me go --

12 THE COURT: You don't have to  
13 get up there, Mr. Ellis. Wherever  
14 you're comfortable.

15 MR. BUCHANAN: Mr. Ellis, were  
16 you a party to a three-way phone call  
17 with yourself, myself and the Court on  
18 Friday?

19 MR. ELLIS: Yes, I was.

20 MR. BUCHANAN: Would you please  
21 state your recollection as to what I had  
22 to say about Jon testifying in  
23 relationship to Dr. Caruso?

24 MR. ELLIS: I remember speaking



1 with Judge Morgan at the Law Day  
2 luncheon and was told that we would have  
3 a three-day hearing. That was the first  
4 I'd heard of that. I immediately  
5 contacted you.

6 MR. BUCHANAN: Was it the first  
7 time I'd heard of it, to your knowledge?

8 MR. ELLIS: Yes. I immediately  
9 called you, called Judge Morgan back.  
10 He had asked that I call him for a  
11 three-way call. We placed that call. I  
12 remember discussions about Dr. Caruso  
13 not being able to testify. I also  
14 remember discussions about whether  
15 orders were forwarded on to the experts.  
16 I remember specifically stating that  
17 we'd received the orders, that they'd  
18 been faxed down, that we had forwarded  
19 those on after we received the order  
20 from the AOC. I think the testimony was  
21 -- or the conversation was that you had  
22 not received them.

23 MR. BUCHANAN: I'm specifically  
24 wanting to know about anything you

1 remember about me saying Jon would or  
2 would not testify.

3 THE COURT: Thank you, Mr.  
4 Buchanan.

5 MR. ELLIS: I'm trying to ... I  
6 think at that time it was questionable  
7 whether he would or he wouldn't.

8 MR. BUCHANAN: Do you remember  
9 me raising a concern about that at that  
10 time?

11 MR. ELLIS: I remember -- I  
12 remember that we were concerned about  
13 putting him on at that time.

14 MR. BUCHANAN: When's the first  
15 time I told you that I wanted to put him  
16 on? Do you remember that? Just between  
17 you and me as attorneys.

18 MR. ELLIS: We discussed that --

19 THE COURT: If I can interrupt.  
20 just a minute. I don't have to get into  
21 your private strategy where you're  
22 talking about your case with your  
23 client. I think you're getting into a  
24 dangerous area, but now if you want to

1 delve into it and feel it necessary or  
2 not, that's up to you.

3 I will say this. I think it was  
4 very clear from the phone conversation,  
5 if I may interrupt, that you even  
6 discussed the fact you could follow up  
7 with more testimony from Mr. Hall after  
8 Dr. Caruso testified. And that was -- I  
9 mean, you explained it all to me, and,  
10 "Yeah, I'm not worried because I can  
11 follow up and put him on if I need to  
12 after Dr. Caruso," and I said, "Yeah, I  
13 understand that. That'd be fine."

14 Is that not right, Mr. Ellis?

15 MR. ELLIS: I think that's -- I  
16 think we were concerned about putting  
17 him on, but if we put him, could we put  
18 him back on later. I'm not -- Your  
19 Honor, what I was worried about at the  
20 time was, was the order forwarded or  
21 not.

22 THE COURT: I understand that.

23 MR. ELLIS: And --

24 THE COURT: If he wants to

1 question you further he can.

2 MR. BUCHANAN: No, I --

3 THE COURT: It put Mr. Ellis on  
4 the spot, and I understand that.

5 MR. BUCHANAN: I just don't -- I  
6 don't want the Court to think I'm  
7 misleading you.

8 THE COURT: Do you recall my  
9 conversation with you where you said you  
10 could put him on after Dr. Caruso, too,  
11 to follow up some stuff if you needed  
12 to?

13 MR. BUCHANAN: That that would  
14 be one way we might could do it.

15 THE COURT: And you recall that  
16 as part of the phone call.

17 MR. BUCHANAN: Yes, sir, I do.  
18 You're right. And that's why I went  
19 that weekend to talk with Jon.

20 THE COURT: I think we've solved  
21 our problem for September, gentlemen, if  
22 you're in agreement.

23 MR. BUCHANAN: Yes, sir.

24 THE COURT: Mr. Ellis, go check

1 the subpoenas.

2 MR. ELLIS: Yes, Your Honor.

3 THE COURT: If we need to delay,  
4 I'll step down and let you call. Again,  
5 it's an effort to accommodate to get  
6 whatever you need.

7 MR. ELLIS: I know, Your Honor.

8 THE COURT: Do you want me to  
9 step down and you can make some calls to  
10 your process server?

11 MR. ELLIS: Your Honor, I've  
12 already called him. I would like you to  
13 step down so we can try to get them in  
14 today.

15 THE COURT: Let me give you --  
16 You think 15 minutes you can find him  
17 and find out if we need to have them --

18 MR. ELLIS: Your Honor, I paged  
19 him, I called his cell phone, I called  
20 his work. I think it's just a matter of  
21 him returning my phone call.

22 THE COURT: Let's take 15  
23 minutes, and we'll just see if you can  
24 get a hold of him so we'll know what to

1 do.

2 MR. ELLIS: Your Honor, before  
3 we recess, I -- I think I need to put  
4 this on the record.

5 First and foremost, I do not  
6 appreciate being placed in the position  
7 I was just placed in.

8 THE COURT: I understand that.  
9 That's why I interrupted when I did.

10 MR. ELLIS: Second of all, I've  
11 thought about the conversation. What I  
12 remember the conversation was, I believe  
13 we were concerned about placing Mr. Hall  
14 on the stand. I don't want to go into  
15 specifics about that because I don't  
16 want to taint this record. But what I  
17 can remember is, we discussed it. We  
18 were concerned about it. I think it was  
19 left with, well, you weren't going to  
20 allow outbursts, is what I can remember,  
21 that basically what would happen the  
22 other morning is what would happen if he  
23 did not present himself the way it was  
24 supposed to be.

1 Other than my concern with the  
2 orders and getting extra time for Dr.  
3 Caruso, I -- and the fact that we were  
4 concerned with Mr. Hall and his decorum  
5 in the courtroom, it's just --

6 THE COURT: I understand. I  
7 appreciate your good faith effort to try  
8 to remember, but I -- I've stated what I  
9 specifically remember regarding the  
10 narrow issue of your client testifying.  
11 It's nothing new that you've been  
12 concerned about your client and his  
13 decorum and actions in the courtroom,  
14 and I understand that. Other lawyers  
15 have expressed that concern. I have no  
16 recollection about that being any  
17 concern about him testifying different  
18 from any other time that he might  
19 testify. You know, that's just always  
20 been a concern.

21 But I apologize that you were  
22 chosen by Mr. Buchanan to be put on the  
23 spot like that. I'm not mad at anyone,  
24 but we do have a job to do, and I've

1 said it a hundred times. And the main  
2 thing is that you leave here today, once  
3 we decide what to do with these two  
4 witnesses, there'll be no continuances.  
5 You follow through this time. I don't  
6 even want to rehash the concern about  
7 those orders and the mix-up and the fact  
8 that somebody supposedly was to get the  
9 order like Mr. Buchanan yet he never got  
10 it, those type things. It's behind us  
11 now. We move forward. We've got  
12 September dates. There will be no  
13 delay.

14 MR. ELLIS: Exactly, Your Honor,  
15 but I would like to show -- have the  
16 opportunity to show to the Court without  
17 exposing the contents of them, based on  
18 work product privilege, E-mails that  
19 I've received from Mr. Buchanan and Ms.  
20 Higuera regarding their efforts to get  
21 these experts along, and I have saved  
22 every E-mail that I've received and  
23 would like to show them to the Court if  
24 he has Internet access.



1 THE COURT: If you at some point  
2 want to, you can do that. That's not my  
3 concern now because, again, that's water  
4 under the bridge. We're wasting time.  
5 You're wasting effort. You've got to  
6 represent this gentleman, and that means  
7 move forward now on whatever you've done  
8 in the past.

9 MR. ELLIS: Right.

10 THE COURT: My concern again,  
11 I've already expressed, expressed it the  
12 first day of this hearing yesterday.  
13 Okay. But I appreciate your kindness  
14 again in thinking about bringing it up.

15 Now I'm going to step down.  
16 Let's step down 15 minutes. See where  
17 you stand with these witnesses. If  
18 we've got to send law enforcement after  
19 them, I might just schedule this for  
20 tomorrow at 1:00 and give everybody time  
21 to try to find them, whatever it takes,  
22 if that's what you want to do. I'm not  
23 compelling you to put them on or not put  
24 them on. You've got to decide what --

1 All right. Thank you.

2 (After a recess, the  
3 following proceedings  
4 were had:)

5 THE COURT: Just so we will have  
6 it straight on the record so there won't  
7 be any confusion, I understand Mr. Ellis  
8 and Mr. Buchanan reported that the two  
9 witnesses they had hoped to call were  
10 actually not subpoenaed. The subpoena  
11 did not get served on the Pearsons,  
12 Diana and I believe Alice Pearson.

13 MR. ELLIS: Yes, Your Honor.

14 THE COURT: And since it wasn't  
15 served, the Court's not in a position,  
16 as counsel knows and has acknowledged,  
17 to have them brought in through the  
18 assistance of law enforcement. And what  
19 we've agreed to do in summation is  
20 certainly these are witnesses that you  
21 attempted to have ready for the  
22 scheduled hearing, so you're going to  
23 try to re-subpoena them and have them  
24 for the next hearing. Is that correct?

1 MR. ELLIS: Yes, Your Honor.

2 THE COURT: Okay. And we  
3 appreciate your efforts in clearing it  
4 up today so we certainly didn't take  
5 action if he we didn't have them under  
6 subpoena.

7 Now the other thing was, again  
8 off the record, I understand you made  
9 every effort to have all the witnesses  
10 here for the hearing scheduled for  
11 yesterday except we knew there was a  
12 problem with experts, and we now know  
13 Mr. Jon Hall would testify at a later  
14 date also if he chooses. Other than  
15 that, you anticipate all other witnesses  
16 were subpoenaed as they should have been  
17 for the hearing as scheduled yesterday.  
18 Is that correct? Except for the --  
19 there is a possibility, except for the  
20 mother's --

21 MR. ELLIS: Except for the  
22 mother.

23 THE COURT: -- potential  
24 testimony. Is that correct?

1 MR. BUCHANAN: That's correct.

2 MR. ELLIS: They were  
3 subpoenaed. They're out of state. I  
4 understand that Mr. Joel is -- has some  
5 issues concerning substance abuse.

6 THE COURT: Those two then. And  
7 their names again?

8 MR. ELLIS: Joe and Beth Hall.

9 THE COURT: Joe and Beth Hall.  
10 If you're able to get them here at a  
11 later date, certainly I would consider  
12 them testifying.

13 MR. ELLIS: We'd like to reserve  
14 the right, Your Honor.

15 THE COURT: Just trying to clear  
16 this up on the record, as I told Mr.  
17 Buchanan, because there's always some  
18 confusion, it seems to be, when we  
19 don't.

20 Now, other than that, we will  
21 conclude at this point in anticipation  
22 that there are no continuances in any  
23 other witnesses that we've mentioned  
24 that will possibly testify at the next

1 hearing, and the State would have a  
2 chance to put their proof on. Is that  
3 correct?

4 MR. BUCHANAN: Yes, sir, I agree  
5 with that. I do want to make this  
6 clear, Judge. If I stumbled on  
7 something I don't know about between now  
8 and then, I at least want to reserve the  
9 right to come and say, "Judge, I didn't  
10 know about this guy, and he's here." If  
11 you want to say, "Fine. I'm not going to  
12 let him testify," that's fine, but I  
13 don't want you --

14 THE COURT: If you stumble into  
15 something, certainly things can come up  
16 suddenly that we didn't know. That  
17 happens in the middle of trial  
18 sometimes. I know -- I just want to  
19 always leave knowing you made your good  
20 faith best effort to be prepared for the  
21 hearing that was scheduled for many  
22 months that started yesterday.

23 MR. BUCHANAN: Yes, sir.

24 THE COURT: Always feel free if

1 there's some sudden situation you need  
2 to address to bring it up.

3 MR. BUCHANAN: Okay.

4 THE COURT: That's part of  
5 representing your client zealously, and  
6 we want you certainly to continue to do  
7 that.

8 MR. BUCHANAN: Thank you, Judge.

9 THE COURT: Okay. Anything  
10 further from State or Petitioner?

11 MR. BUCHANAN: No, sir.

12 THE COURT: We thank you,  
13 everyone. Good luck. See you back in  
14 September. Look forward to the order  
15 coming within the number of days I  
16 specified and the monthly reports.

17 We stand in recess.

18 - - - - -

19 END OF VOLUME IV.

20

21

22

23

24

1

2

3

4

5

6

7 EXHIBIT 1

8

Identified and authenticated, this

9

10 the 18<sup>th</sup> day of July,

11

12 2003.

13

14

15

16 JUDGE

17

18

19

20

21

22

23

24









Jessica





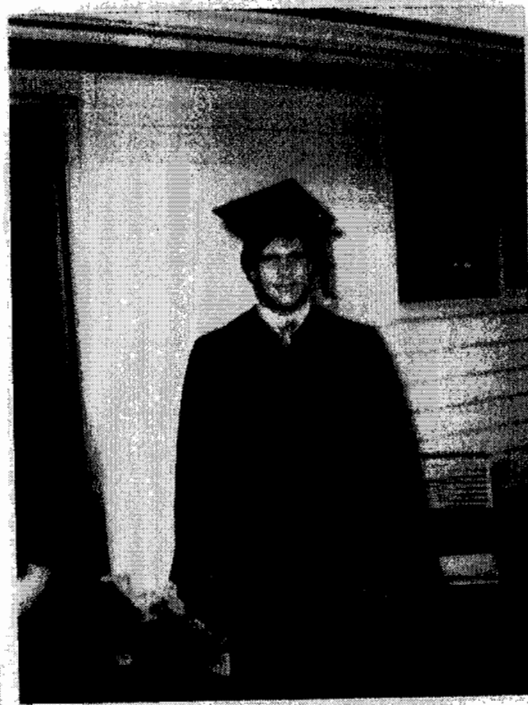


May 1988





*Geo. Meigs*



1

2

3

4

5

6

7 EXHIBIT 2

8

Identified and authenticated, this

9

10 the 18<sup>th</sup> day of July,

11

12 2003.

13

14

15

16 JUDGE

17

18

19

20

21

22

23

24



1

2

3

4

5

6

7 EXHIBIT 3

8

Identified and authenticated, this

9

10 the 18<sup>th</sup> day of July,

11

12 2003.

13

14

15

16

JUDGE

17

18

19

20

21

22

23

24

State Subpoena

McOWAT-MERGER PRESS, JACKSON, TENN.

DEC 30 1996  
The State of Tennessee, Madison County

Circuit Court

FILED

96-589-36

Docket No.

FEB 04 1997

DEC 18 1996

HENDERSON

JOE GAFFNEY, CIRCUIT COURT CLERK

To the Sheriff of Madison County — Greeting:

DEPUTY CLERK

You are hereby commanded to summon

Herman McKinney Rt # 2  
Pleasant Hill Rd.  
Lexington

personally to appear before Judge LaFon of our Circuit Court of the County of  
Madison, to be held for said County in the courthouse 3rd floor

in the City of Jackson, on the 3 day of Feb  
19 97, at 9:00 A.M., to testify and the truth to speak in the cause now pending in said Court, wherein

the State of Tennessee is plaintiff, and Jon Hall  
State is defendant, on behalf of and this you shall in no wise omit

under the penalty prescribed by law. Herein fail not, and have you then and there this writ.

WITNESS: JOE GAFFNEY, Clerk of our said Court, at office the 4 day of Dec. 19 96

Clerk

D.C.

EXHIBIT

Came to hand \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_

and executed as within commanded.

000332

SUBJECT IS DECEASED

This 18 day of Dec 19 96

Sheriff

1

2

3

4

5

6

7 EXHIBIT 4

8

Identified and authenticated, this

9

10 the 18<sup>th</sup> day of July,

11

12 2003.

13

14

15

16 JUDGE

17

18

19

20

21

22

23

24

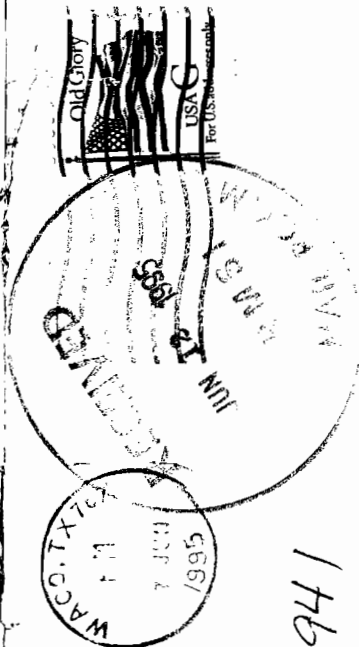


Belton, Tex. 76513

5000

Jon Hall # 238941

R.M.S.I. 7475 Cockhill Bend And., R.C.  
Nashville, Tenn. 37243-0471



\* See 4/6 must Have  
Talked with Sheryl Cause  
I wrote in my Appointment  
Book Sheryl talked w/ lawyer  
& told them about Jeffs  
Health & to Get a Deposition  
I Talked w mom wed  
4/5/95 wrote in book  
so either mom told me  
on wed or I called  
sheryl on thurs

---

sent out 5/22/95  
same day as Googes  
w/Draw



STATE OF TENNESSEE

V.

JON HALL

NO 94-342 94-452 94-454

---

 SWORN AFFIDAVIT OF DECLARANT JEFF HALL - SUPRA
 

---

Comes now Jeff Hall, declarant, and moves this court pursuant to Rule 804 of Tennessee Rules of Criminal Procedures, and would respectfully show this court the following:

I \_\_\_\_\_ first after being duly sworn hereby depose the following to-wit:

I am the declarant in State of Tennessee v. Jon Hall; I am also the brother of Jon Hall, and is believed that I have pertinent information that may be favorable to his defense.

**Reputation Concerning Personal or Family History:**

Jon visited me between the dates of 6/19/94 - 6/26/94. Jon seemed to be very depressed/suicidal over family and money problems.

**Reputation as to Character:** I know that Jon loved his Wife (Billie Hall) and children very much. Our discussions over Jon's problems consisted of Jon trying to get his family and financial situations in order.

If Jon is guilty of the alleged crime of Murder, "I would have to state it was invoked and induced by someone". I would also have to testify that Jon acted under strong provocation, stress, pressure, and seemed to be dysfunctional during his visit with me on supra date.

**Character of Declarant:** If the question ever arises as to my credibility of this affidavit, let it be known to this court, that I am the person who turned my brother (Jon Hall) over to the Belton Tx authorities. My only concerns is that Justice is properly served in this matter, and that my brother may receive a fair trial.

**Declarants Unavailability as a Witness:** Due to my present existing physical condition, declarant is not able to travel the distance to Tennessee to testify "personally". Rule 804 (3) T.R.C.P.

**Issues of Future Actions:** If a Malpractice suit is ever filed on behalf of my brother Jon Hall for ineffective assistance of counsel, let it be noted to this court that Jon's Attorney (George Googe) or his formal Attorney's has never contacted me about testifying for Jon's defense as a Character witness.

I Jeffrey F Hall <sup>Page ID 3471</sup> swear under the penalty of perjury  
that the forgoing affidavit is true to the best of my knowledge  
and belief. Signed this the 6TH day of June 1995.

Respectfully Submitted,

*Jeffrey F Hall*  
Declarant Jeff Hall  
RT 4 Box 4326 B  
Belton TX. 76513

SWORN TO ME THIS THE 6th DAY OF June 1995.

NOTARY PUBLIC *Debra Hix*

MY COMMISSION EXPIRES 7-23-97



1

2

3

4

5

6

7 EXHIBIT 5

8

Identified and authenticated, this

9

10 the 18<sup>th</sup> day of July,

11

12 2003.

13

14

15

16 JUDGE

17

18

19

20

21

22

23

24



STATE OF TENNESSEE  
DEPARTMENT OF MENTAL HEALTH AND MENTAL RETARDATION  
MIDDLE TENNESSEE MENTAL HEALTH INSTITUTE

1501 MURFREESBORO ROAD  
NASHVILLE, TENNESSEE 37217  
(615) 366-7616

*Mail to Clerk  
at Lexington - since  
in Lexington  
Circuit Court  
Clerk  
Court Ad*

March 28, 1995

The Honorable Whit S. LaFon  
Henderson County Circuit Court  
P.O. Box 7411  
Jackson, TN 38302

FILED  
KENNY CAVNESS - CIRCUIT CL. CLERK

APR 10 1995

BY \_\_\_\_\_  
DEPUTY CLERK

RE: State of Tennessee vs. Jon Douglas Hall  
Docket No.: 94-342, 94-452, 94-454  
Report of Competency Evaluation

Dear Judge Lafon:

Jon Hall was seen by staff from the Forensic Services Division (FSD) of Middle Tennessee Mental Health Institute (MTMHI) in the Department of Corrections on an outpatient basis at Riverbend Maximum Security, and was subsequently admitted to FSD on February 23, 1995, by order of your court. He was sent here for an evaluation of his ability to stand trial on the charge(s) of first degree murder, kidnapping, vandalism, and for an assessment of his mental condition at the time of the alleged offense(s).

After completion of the competency evaluation, the staff has determined that Mr. Hall's condition is such that he is capable of adequately defending himself in a court of law. In making this determination, it was concluded that he does understand the charges pending against him and the consequences which might follow, and he is able to advise counsel and participate in his own defense.

With regard to Mr. Hall's mental condition at the time of the alleged offenses, it is the opinion of the staff that he does not meet the criteria for an insanity defense pursuant to the provisions of T.C.A. 39-11-501. Therefore, a defense of insanity cannot be supported.



Judge LaFon  
March 28, 1995  
Page 2  
PageID 3474

The order also specified that the evaluation would address matters which relate to alcohol and/or drug dependence and the defendant's intellectual functioning. The evaluation staff are of the opinion that the defendant does have an alcohol and drug dependence which could affect his normal behavior, and he scored in the low-average range of intellectual functioning.

The staff further determined that Mr. Hall does not meet the standards of judicial commitment to a mental health institute pursuant to the provisions of T.C.A. 33-7-301(b) and 33-6-104.

We have returned Mr. Hall to the custody of the officials at Riverbend Maximum Security Correctional Facility as he is currently in safekeeping status from the Henderson County Jail. We did not recommend follow-up services, although he could benefit from alcohol and drug rehabilitation. We have also notified the mental health center which serves the Henderson County Jail of our recommendations.

If you have any questions about this case, please do not hesitate to contact me at (615) 366-7973.

Sincerely,



Larry Southard, Director  
Forensic Services

cc: James W. Thompson, District Attorney General's Office  
George Morton, Defense Attorney  
Richard Drewery, West Tennessee Behavioral Center

LS/bb

MOTION TO HAVE DEFENDANT TRANSFERRED TO MADISON COUNTY PENAL FARM OR MADISON COUNTY JAIL	147-148
MOTION FOR DEFENDANT'S PRESENCE DURING ALL PROCEEDINGS HELD	149
MOTION TO RENEW MOTION FOR CHANGE OF VENUE	150
MOTION TO DETERMINE PRIOR TO TRIAL THE COMPETENCY OF WITNESSES	151
MOTION TO DISMISS/BASED ON NEWLY DISCOVERED EVIDENCE	153-155
MOTION FOR HEARING ON TRANSFER OF DEFENDANT	164-165
MOTION AND MEMORANDUM TO QUASH SUBPOENA OF TOM CLOUSE	166-167
MOTION FOR DEFAULT JUDGEMENT PURSUANT TO THE ABOVE ACTION	171
MOTION TO RESTRICT DEFENDANT MAIL AND PHONE CALLS FROM VICTIM'S FAMILY	174
MOTION FOR TRANSCRIPT OF PRIOR TRIAL	182-183
MOTION FOR PRESERVATION OF RECORDS/EVIDENCE	184-185
MOTION FOR JUDGEMENT OF ACQUITTAL	186-187
MOTION IN ARREST OF JUDGEMENT	188-189
MOTION FOR NEW TRIAL/AMENDMENT	190-192
MOTION FOR NEW TRIAL / PRO-SE / AMENDMENT	193-198
MOTION TO ALLOW COUNSEL AND CO-COUNSEL TO WITHDRAW	199-201
MOTION FOR NEW TRIAL OR VERDIT OF ACQUITTAL	202-203
MOTION TO CURE OR WAIVER OF DEFECT	205-214
MOTION TO DECLARE DEFENDANT INDIGENT AS TO FINES AND COURT COSTS	232-233
NOTICE OF INTENT TO SEEK DEATH PENALTY AND SPECIFICATION OF AGGRAVATING CIRCUMSTANCES	6
NOTICE OF MOTIONS	145
NOTICE OF STATE'S INTENT TO USE PRIOR ASSAULT	175
NOTICE OF APPEAL	180-181, 229, 217
ORDER ALLOWING PUBLIC DEFENDER'S OFFICE TO WITHDRAW AND APPOINTING PRIVATE COUNSEL	23-24
ORDER APPROVING EMPLOYMENT OF JURY SELECTION CONSULTANT	30
ORDER (ATTORNEYS TO BE INCLUDED IN ALL MOTIONS PREVIOUSLY FILED BY PRIOR ATTORNEYS)	135
ORDER (DEFENDANT TO BE MOVED; ATTORNEY TO HAVE UNLIMITED TRAVEL)	136-137
ORDER (AUTORIZATION FOR PAYMENT OF COSTS FOR COPY OF TRANSCRIPT AND MOTIONS)	140
ORDER (CHANGE OF VENUE GRANTED)	152
ORDER ON MOTION FOR CONTINUANCE	168
ORDER (DEFENDANT DECLARED INDIGENT)	177
ORDER (FROM CRIMINAL COURT OF APPEALS)	204
ORDER OVERRULING MOTION FOR NEW TRIAL	215
ORDER OVERRULING MOTION FOR COUNSEL TO WITHDRAW	216
ORDER (FROM CRIMINAL COURT OF APPEALS)	230, 231
ORDER TO DECLARE DEFENDANT INDIGENT AS TO FINES AND COURT COSTS	234
ORDER GRANTING STAY OF EXECUTION	235



REPORT OF TRIAL JUDGE IN FIRST-DEGREE MURDER CASES	218-228
STATE'S RESPONSE TO MOTION TO SUPPRESS DEFENDANT'S STATEMENT	64
STATE'S RESPONSE TO DEFENDANT'S PRO-SE MOTION	65
STATE'S RESPONSE (TO NOTICE OF MOTIONS)	146
STATE'S RESPONSE (TO MOTION)	169
STATE'S SPECIAL REQUEST NO. 1	176
STATE'S NOTICE OF APPEAL	217
WITHDRAWAL OF COUNSEL - REPLACEMENT BY COURT	21-22, 98-103
WRIT OF MANDAMUS / COMPELLING JUDGE TO ORDER DEFAULT	170

## I N D E X

AFFIDAVIT	144
AFFIDAVIT FOR ENTRY OF DEFAULT	172
AFFIDAVIT THAT RESPONDENT'S ARE NOT IN THE MILITARY SERVICE	173
CERTIFICATE AND SEAL	236
EX PARTE ORDER APPROVING EMPLOYMENT OF MITIGATION SPECIALIST	141
EX PARTE MOTION FOR FURTHER INVESTIGATION SERVICES	142
EX PARTE ORDER FOR FURTHER INVESTIGATION SERVICES	143
EX-PARTE ORDER FOR ADDITIONAL JURY CONSULTANT SERVICES	178
INDICTMENT	1-5
JUDGMENT	179
LETTER FROM MIDDLE TN MENTAL HEALTH INSTITUTE TO JUDGE	19-20
MOTION FOR CONTINUANCE	7, 156-163
MOTION FOR THE COURT TO CONSIDER ALL MOTIONS AND OBJECTIONS BY THE DEFENSE IN LIGHT OF A HIGHER STANDARDS OF DUE PROCESS AND RELIABILITY THAT ATTACHES IN DEATH PENALTY CASES	8
MEMORANDUM IN SUPPORT OF MOTION FOR THE COURT TO CONSIDER ALL MOTIONS AND OBJECTIONS BY THE DEFENSE IN LIGHT OF A HIGHER STANDARD OF DUE PROCESS AND RELIABILITY THAT ATTACHES IN DEATH PENALTY CASES	9-18
MOTION FOR EXCULATORY EVIDENCE - JENCKS ACT	25-26
MOTION TO PROHIBIT DISPLAY OF PHOTOGRAPHS OF THE DECEASED	27-28
MOTION TO PRESERVE EVIDENCE	29
MOTION TO DISMISS AND ABATE THE INDICTMENT	31-33, 104-105
MOTION TO DISMISS ALL SUPRA INDICTMENTS	34-63, 68-97
MOTION TO DETERMINE EFFECTIVENESS OF COUNSEL	66, 67
MOTION TO SUPPRESS	106-114
MEMORANDUM IN SUPPORT OF MOTION FOR THE COURT TO CONSIDER ALL MOTIONS AND OBJECTIONS BY THE DEFENSE IN LIGHT OF A HIGHER STANDARD OF DUE PROCESS AND RELIABILITY THAT ATTACHES IN DEATH PENALTY CASES	115-124
MOTION TO LEAVE TO FILE FURTHER MOTIONS	125
MOTION FOR THE COURT TO CONSIDER ALL PRO-SE MOTIONS AND OBJECTIONS BY THE DEFENSE IN LIGHT OF A HIGHER STANDARDS OF DUE PROCESS AND RELIABILITY THAT ATTACHES IN DEATH PENALTY CASES	126
MOTION TO ALLOW WITNESSES TO BE ACCOMPANIED BY GRANDPARENTS WHILE TESTIFYING	127
MOTION FOR EARLY PRODUCTION OF WITNESSES' STATEMENT	128
MEMORANDUM OF LAW IN SUPPORT OF DEFENDANT'S MOTION FOR EARLY PRODUCTIONS OF WITNESSES' STATEMENTS	129-131
MOTION TO TRANSFER TO MADISON COUNTY PENAL FARM	132-133
MOTION (TO ALLOW ATTORNEYS TO BE CONSIDERED INCLUDED IN ALL MOTIONS THAT HAVE BEEN PREVIOUSLY FILED BY DEFENDANT'S PRIOR ATTORNEYS)	134
MOTION FOR PRIOR AUTHORIZATION FOR PAYMENT OF COSTS FOR COPY OF TRANSCRIPT	138-139

1

2

3

4

5

6

7 EXHIBIT 6

8

Identified and authenticated, this

9

10 the 18<sup>th</sup> day of July,

11

12 2003.

13

14

15

16

JUDGE

17

18

19

20

21

22

23

24

RLL  
GJS 9-10-96  
FILE**Inquisitor, Inc.**PRIVILEGED AND CONFIDENTIAL-ATTORNEY WORK PRODUCT

## MEMORANDUM

TO: JON HALL FILE (CASE NO.: 4970-01-41950)

FROM: GLORI J. SHETTLES

RE: INTERVIEW OF JON HALL

DATE: AUGUST 15, 1996

Jon Hall was interviewed at Riverbend Maximum Security Prison on August 15, 1996. He was cooperative and appeared to understand the purpose of the mitigation investigation. I advised I had seen an assessment prepared by Ann Charvet and Mr. Hall stated that his sister had forwarded him a copy, which they both had "corrected." The amended copy was forwarded to me later by Mr. Hall.

Hall's eye contact was unmoving throughout the interview. At times it was difficult to keep him "focused" relative to certain questions asked. He would, for instance, take a great deal of time to provide a response which had nothing to do with the question asked. He did not appear uncomfortable, however, he became very defensive when I told him the perception I had of him following the interview was different from the newspaper article previously given. Several times he attempted to explain how his words were taken out of context, and I am not certain if Hall understood that I agreed with him.

In addition to verifying background information, Hall's feelings and perceptions will be noted for use by an expert at a later time.

Jon stated he and his family grew up in a town fifty (50) miles east of Pittsburgh. The town was described as a "rich retirement town", in which his parents were originally from, also. Jon's father drove fifty (50) miles each day to work as a metal lather. Jon stated that although he had numerous siblings, he "didn't do without anything."

Jon did not describe his relationship with his father as close, however, he was not aware that his father did not believe Jon to be his biological child, until he was told this as a result of Charvet's assessment. He stated that his brother, Joel, was his dad's "favorite", however, he does not recall being emotionally or physically abused by his father.



Case No.: 4970-01-41950

August 15, 1996

Page Two

PRIVILEGED AND CONFIDENTIAL - ATTORNEY WORK PRODUCT

He stated he had *"always been close to his mother"* and he noted her continuing support, no matter his circumstances. Later in the interview, he stated that he left his mother's home when he was around eighteen, due to the fact he was angry about something his present girlfriend had done, and he had *"slammed his hand into a wall"* at his mother's home. He made the comment that his mother *"could not do anything with him"* and he now has regrets relative to past actions toward his mother.

Jon stated little about his paternal grandparents and it was my impression his contact with them was minimal, although the grandparents lived approximately one mile away. Although no specific information was given, Jon's father had *"problems with (his) in-laws"* and it was my impression that Jon had minimal contact with his maternal grandparents. He did note, however, that his sister, **Cheryl**, lived with his maternal grandparents for some period of time, although the reason was not stated. Jon stated his maternal grandmother died in 1970 and his grandfather in 1974.

Jon can remember *"bits and pieces"* of arguments between his mother and father. He recalls his dad putting a rock through the window of their car, but does not remember what the argument was about. As a result of Charvet's assessment, he has learned that his older sister, **Debbie**, *"took them (siblings) in the car and into town to get away"*, however, he does not independently recall this.

Jon stated that his brothers were all *"wrestlers"* and they tickled him and *"twirled him around"*. He stated that they did *"pick on him"*, but he felt their actions were normal, as he was the youngest boy.

Jon spoke with very little emotion in speaking of his father's death, which occurred when Jon was ten (10). He stated his father had been working out in the garden, and began *"throwing up."* Jon related that he watched as his father "laid down, was gasping, and turning blue." Jon related with a shrug that his father *"died before the ambulance came."*

The only other comment Jon made about his dad was that he learned to *"do it right the first time;"* which he felt was a very positive aspect about himself and his work ethic.

Jon said little about his step father, **Ed**, except that at the time his mother met Ed, she was under the impression he had *"money."* Jon's mother met Ed while working as a waitress at Sleepy Hollow Country Club and they married three (3) months after Jon's

Case No.: 4970-01-41950

August 15, 1996

Page Three

PRIVILEGED AND CONFIDENTIAL - ATTORNEY WORK PRODUCT

father's death. Jon described Ed's drinking as "*moderate*" and was aware of one incident of a physical altercation between Ed and his mother. Although Jon did not witness the incident, he related how angry he was at Ed after learning of the incident.

Jon stated "*you'd be better off to do something to me than someone I love*." This phrase was later repeated relative to his feelings about Billie and the children.

Jon also stated that he was not aware of the later reported sexual abuse by Ed toward his sister.

Jon stated that because of the location of their home, he traveled to a neighborhood "*a mile away*" to "*socialize*" with peers. Jon did not report being involved in any type of organized sports. He stated that because of his mother's work schedule, he was often left unsupervised, however, he was very "*independent*", learning at an early age how to cook, clean, etc.

At age thirteen (13), Jon began using "*pot and alcohol*", however, he stated he smoked pot, for the most part. He stated he enjoyed smoking marijuana, as "*it put him in another state of mind.*" Jon stated he had not experimented with other drugs.

He reported that he had not had hospitalizations, nor serious injuries or illnesses. He has had "*minor stitches but no broken bones.*" Interestingly, Jon reported that he is "*queasy*" and becomes "*sick at the site of blood.*" He considers himself very sensitive to others' illnesses or injuries.

Jon reported that he shared a room with various brothers when growing up. He related that he "*had no trouble sleeping*" until his last separation from Billie.

He described himself as "*not a mature child*" and he stated he was "*never prepared in school.*" Jon finds it somewhat humorous that although he did "*just enough to pass*", he is the only brother "*who didn't flunk.*"

Although I was not clear as to the circumstances surrounding the arrest, Jon was convicted of DWI, and for this reason was not allowed to join the Air Force. He could have joined the Navy, but he had observed how the Navy had allegedly mistreated his brother and for that reason, he is the only brother who did not join the service.

Jon stated, "*If I don't get what I want, I don't want it.*"



Case No.: 4970-01-41950

August 15, 1996

Page Four

PRIVILEGED AND CONFIDENTIAL - ATTORNEY WORK PRODUCT

In 1985, Jon moved to Fayetteville, North Carolina to assist his sister, Debbie, who owned a restaurant. Jon told me he also was working in "*mechanics*" while there. Although I was not certain how they met, Jon began living with a woman approximately ten (10) years his senior, who was employed as a nurse. Jon said this woman had a ten (10) year old son. Jon felt uncomfortable with regard to the son because the biological father was such a "*part of his (child's) life*" and also because of the fact that Jon was not that much older to the child.

While residing in the apartment complex with this woman, Jon met Billie in September, 1987. Jon and the older nurse had been living together for approximately three to four months at the time he and Billie met. At the time Billie and Jon met, she was estranged from her husband.

I asked Jon what qualities he found attractive in a woman, but especially in regard to Billie. He told me that he initially was attracted to Billie's wearing "*short shorts*". He then told me that he felt "*total trust, monogamy, and working together with the same goals to better (themselves)*" were the most important characteristics in a relationship.

Billie was pregnant with their first child at the time of their marriage in May, 1988. Billie's two daughters were two and three at the time of the marriage. Billie and her first husband were both in the Army at the time they met and later married. Billie told Jon that she married her husband "*out of a dare*" and there was "*no love*" in the marriage. Billie told Jon that she could "*count on one hand the number of times she and her husband had made love.*"

Jon stated that he had not been involved in many serious relationships and noted his "*first love*" was a girl named **Carla**, at age sixteen (16).

According to Jon, Billie was "*into pot and prescription drugs*", at the time they met, however, he never related what the prescription drugs were.

Also, at the time Billie and Jon married, he had major difficulties with "*credit card debts*", although again, no specific information was provided. Jon "*trusted (her) totally and gave everything to her.*" At the time of the marriage, Billie's husband owed a great deal of child support, which was rarely, if ever paid.

Case No.: 4970-01-41950

August 15, 1996

Page Five

**PRIVILEGED AND CONFIDENTIAL - ATTORNEY WORK PRODUCT**

Billie's only child delivered by "*natural*" childbirth, according to Jon, was "*Jennie*", Billie's oldest child. Jon's oldest daughter, **Stephanie**, was born on September 17, 1988, and Jon reported this to be "*one of the happiest days of his life.*"

It should be noted that throughout the interview Jon would provide conflicting information with regard to his feelings about Billie. As an example, he said on more than one occasion, that Billie was "*intellectually superior*" and that he relied on her as a "*counselor*" regarding any number of aspects about himself and their life together.

On another occasion, he was angry in relating information, and stated that at the time he met Billie, the "*girls were sleeping on the floor*" and his "*family had given them everything.*"

Jon later learned, for the most part through discussions with his family, that Billie "*exaggerated*" a great deal of her medical training and former education.

Billie told Jon that she had run away from home at age fifteen, (15), but he was never aware of the extent of the problems. They were not doing well financially in Fayetteville and Billie expressed a desire to return to Huntingdon to "*get to know her parents.*" Billie's father had been in the Navy, but was now a farmer, as well as being in the National Guard.

Jon said that Billie spoke of "*hating her sister*", however, she "*ran to her*" on numerous occasions once they returned to Tennessee. Jon described Billie's family as "*having airs*" and "*not family like.*" He stated that he and Billie made efforts to visit and get to know her parents, but her parents rarely reciprocated.

Jon further described Billie as being "*like a closed book*" and "*distant*", relative to her past.

Jon related that even at the beginning of his marriage to Billie, they had "*normal fights*", however, he perceived the relationship to be good until Billie lost her job.

Jon discussed the situation regarding their neighbors in Lexington, which is documented in the file material received and reviewed. It should be noted that although the events from the time he and Billie are previously documented both in the file and the time line, it was my purpose at this point of the interview to discuss Jon's feelings and perceptions relative to these events and circumstances.



Case No.: 4970-01-41950

August 15, 1996

Page Six

PRIVILEGED AND CONFIDENTIAL - ATTORNEY WORK PRODUCT

Jon related that he *"didn't know the words can't or stop"*. He did not consider himself a violent person, however, he often lost control. For the most part, he took out his anger on inanimate objects.

Jon stated his actions were dictated by *"all in the level you approach me with."* He described himself more than once during the interview as *"easy going"* and a person who *"takes things as they come."*

He discussed his past fights in situations with others and spoke at length of *"getting into other people's fights."* He provided examples of being in bars and seeing a man mistreat a woman and fighting on behalf of the woman.

During the interview, I asked Jon how he disciplined his step-daughters and his own children, as he was the main caretaker. He responded immediately by saying *"I didn't abuse them."* I told Jon I did not assume he had, I was asking about the form of discipline. Jon stated he used *"scare tactics"* and *"put fear in them."*

Jon stated he would take the girls by the shoulders, shake them, yell at them, and throw them on the bed.

He also stated he *"made the girls independent"* as he had been, and the older girls were capable of taking care of themselves. He stated he talked with the girls as if they were adults and allowed them to watch television shows such as *"Tales from the Crypt"*, if they wanted. He attempted to answer any questions they had in an explicit manner.

Jon stated that for the most part, he gave Billie *"total control and authority."* Although both are stubborn, he said he *"put fear in Billie"* and *"gave her warnings"* about how far he was willing to be pushed. He does not appear to consider his past actions as part of domestic abuse, as Billie *"started it."* He perceives that his physical altercations with Billie were a result of her being the initiator of the altercations.

Jon stated that he can *"compensate to a point, then (he) loses control."*

Jon did admit to having various affairs during the time he and Billie resided in Huntingdon. His justification for his actions is that Billie *"had no time for him"*. Billie's priorities were her job, the children, then him, according to Jon. He did say that he told the women with whom he had sex that he loved his wife and family and they should have no expectation regarding a relationship.

Case No.: 4970-01-41950  
August 15, 1996  
Page Seven

**PRIVILEGED AND CONFIDENTIAL - ATTORNEY WORK PRODUCT**

There are several significant events on which Jon placed priority. He was very distressed with regard to their *"living in the projects"* in Huntingdon and took great pride in their purchase of a home in Lexington. He was not aware initially that his name was not listed on the mortgage, and this may have been because of past credit problems.

At the time Jon separated from Billie and resided with *"Jackie and Darlene"*, he stated that their living situation was one of *"poverty"* and he spoke of his disgust relative to the housing environment, such as the numerous roaches observed.

It was Jon's feeling that he had to assert his role as the male and head of the household. He stated that Billie spoke of *"selling the house"* and this on its own, *"put him in a rage."* As a result of the protection order, he *"was thrown out of the house for a year."* He stated he had *"no money, no job, and no car."*

Jon spoke of Billie's desire to *"keep him separate from work"* as it is his feeling that he embarrassed her, as he came from a *"blue collar background"* and Billie *"never knew what would come out of his mouth."*

Although Jon was very angry over Billie's treatment at work, he acknowledged that he *"couldn't stand her job, because of her airs."*

An additional issue was the fact that he was being accused of sexually abusing **Jessica** and his counter complaint with Human Services. The thought that anyone could take advantage of a child like **Jessica** is inconceivable to Jon.

According to Jon, a *"flood of circumstances"* were taking place preceding his arrival at Billie's home. He states that he disabled the telephone because he did not want the police to be called. According to Jon, *"every time the police are involved, it costs money"*, and this is what he wanted to avoid.

He maintains his intent was not to kill Billie and that he *"lost control"*. He states his intent was to talk to Billie and have her realize his thoughts and feelings, but he *"totally lost it."*

Jon states he *"wants to understand"* any number of aspects about himself and his actions, but he admitted that *"when information doesn't compute, he does the opposite."*

Case No.: 4970-01-41950

August 15, 1996

Page Eight

PRIVILEGED AND CONFIDENTIAL - ATTORNEY WORK PRODUCT

It should be noted that at one point during the interview Jon sobbed almost uncontrollably. The female guard on Unit 1 handed Jon several tissues, but said nothing.

Upon my leaving the unit, this guard commented that she had never seen Jon show any emotion. She may be utilized as a possible witness as she also commented she considered Jon a "good inmate". According to her, Jon spends almost his entire time "working on his case."

Correspondence has been forwarded to Jon's family for the purpose of separate interviews and additional background information.

Employment information and collateral interviews will also be conducted.

It appears as a result of this interview and from documents reviewed that Jon Hall may suffer from Intermittent Explosive Disorder. The essential features of disorders of impulse control are:

1. Failure to resist an impulsive drive, or temptation to perform some act that is harmful to the person or others. There may or may not be conscious resistance to the impulse. The act may or may not be premeditated or planned.
2. An increasing sense of tension or arousal before committing the act.
3. An experience of either pleasure, gratification, or release at the time of committing the act. The act is ego-syntonic in that it is consonant with the immediate conscious wish of the individual, immediately following the act there may or may not be genuine regret, self-reproach, or guilt.

Although interviews may or may not assist with this initial mitigation theme, the disorder would remove premeditation, if Hall's prior episodes and loss of control are documented and out of proportion.

1

2

3

4

5

6

7 EXHIBIT 7

8 Identified and authenticated, this

9

10 the 18<sup>th</sup> day of July,

11

12 2003.

13

14

15

16 JUDGE

17

18

19

20

21

22

23

24

1

2

3

4

5

6

7 EXHIBIT 8

8 Identified and authenticated, this

9

10 the 18<sup>th</sup> day of July,

11

12 2003.

13

14

15

16 JUDGE

17

18

19

20

21

22

23

24

IN THE CIRCUIT COURT OF MADISON COUNTY, TENNESSEE  
DIVISION I

STATE OF TENNESSEE, )

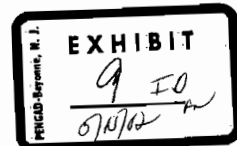
Plaintiff, )

VS. )

JON HALL, )

Defendant. )

NO. 94-342



*Supplemental* MOTION FOR CHANGE OF VENUE

Comes now your Defendant, JON HALL, *through* and his attorney, CLAYTON F. MAYO, *and JH FM* and moves this Court to grant a motion for a change of venue for the following reasons:

1. Defendant, JON HALL, is charged with the offense of:
  - (a). First Degree Murder;
  - (b). 2 counts of Theft of Property;
  - (c). Especially Aggravated Kidnapping;
2. That the Court has jurisdiction to hear this case;
3. Defendant contends that he cannot receive a fair trial for the following reasons:
  - (a). That there is much and extreme public hostility over this crime in this Court's jurisdiction;
  - (b). That there is much public outrage over the nature of this crime;
  - (c). That prejudicial news reporting and editorials have disclosed inadmissible evidence;
  - (d). That the public assumes because of the newspaper reporting, editorials and television coverage that Defendant is guilty of this crime;
  - (e). That there has been an extreme amount of publicity regarding this case which cannot help but prejudice the people that will be the jury pool in this Court's jurisdiction;
  - (f). That the public is convinced as evidenced by many conversations heard by Defendant and Defendant's attorneys that Defendant is guilty of the charges he is facing;
  - (g). That there is a reasonable likelihood that the Defendant will not receive a fair trial as a result of pre-trial publicity, see Sheppard v. Maxwell, 384 U.S. 333, 363 (1966);

COV - EXHIBIT [G]

4. This Court has the authority and discretion to change the venue pursuant to ~~Federal Rules of Criminal Procedure 21~~.

WHEREFORE, DEFENDANT PRAYS that this Court grant a change of venue to the Circuit Court of \_\_\_\_\_ County, in \_\_\_\_\_, Tennessee.

DATED this the \_\_\_\_ day of \_\_\_\_\_, 1996.

Respectfully submitted,

CLAYTON F. MAYO, BPR# 014138  
Attorney at Law  
618 N. Highland Avenue  
P.O. Box 1625  
Jackson, TN 38302-1625  
(901) 422-1375

JESSE H. FORD, III BPR# 009775  
Attorney for Defendant  
618 N. Highland Avenue  
P.O. Box 1625  
Jackson, TN 38302-1625  
(901) 422-1375

#### CERTIFICATE OF SERVICE

I hereby certify that I have either mailed or personally delivered a true copy of the foregoing to Mr. Al Earls, Assistant District Attorney, P.O. Box 2825, Jackson, Tennessee 38302, this the \_\_\_\_ day of \_\_\_\_\_, 1996.

CLAYTON F. MAYO

JESSE H. FORD, III

#### AFFIDAVIT

CLAYTON F. MAYO, being duly sworn, deposes and says:

1. He is the attorney for the Defendant herein and makes this Affidavit in support of a Motion for a Change of Venue.

2. Affiant asked fifty (50) individuals selected at random on the streets of Jackson, Tennessee and Bolivar, Tennessee whether they had or had not, seen or heard any of the pre-trial publicity concerning the case. One hundred percent had seen and/or heard the publicity.

3. Of those who had seen the pre-trial publicity, ninety

COV - EXHIBIT [6]



percent believed that the Defendant was guilty and ten percent had formed no opinion. All stated that the vast majority of persons in Madison and Hardeman Counties believed the Defendant guilty but refused to execute affidavits to that affect because of the criticism in the assistance rendered the Defendant, even in the mere obtaining a change of venue, would engender. All requested that their names not be used. In many of these conversations, it has been stated that if Dennis Harris committed these acts, he deserved to die.

4. Included among those people interviewed were persons of the following applications: store owners, barbers, teachers, clerks, farmers, factory workers, bankers, salesmen, and persons in a variety of management positions.

DATED this the \_\_\_\_ day of \_\_\_\_\_, 1992.

\_\_\_\_\_  
CLAYTON F. MAYO

Sworn to and subscribed before me this the \_\_\_\_ day of \_\_\_\_\_, 1992.

\_\_\_\_\_  
NOTARY PUBLIC

My Commission Expires: \_\_\_\_\_



AFFIDAVIT

I, JON HALL, being first duly sworn, depose and say:

1. I am the Defendant in the above titled action and I make this Affidavit in support of my motion for change of venue. I can not have a fair and impartial trial in the City of Lexington, Tennessee, because of the publicity against me, public outrage over the offense of which I am charged, and prejudicial news reporting and editorials that have implicated me and disclosed inadmissible evidence.

2. The Jackson Sun is a newspaper widely circulated in the City of Jackson; attached hereto, marked exhibits are news articles which appeared in The Jackson Sun on the following dates:

Exhibit #1 - 04/01/92;	Exhibit #13- 04/09/92
Exhibit #2 - 04/01/92;	Exhibit #14- 04/10/92;
Exhibit #3 - 04/02/92;	Exhibit #15- 04/12/92;
Exhibit #4 - 04/02/92;	Exhibit #16- 04/14/92;
Exhibit #5 - 04/02/92;	Exhibit #17- 04/17/92;
Exhibit #6 - 04/02/92;	Exhibit #18- 04/27/92;
Exhibit #7 - 04/02/92;	Exhibit #19- 04/28/92;
Exhibit #8 - 04/03/92;	Exhibit #20- 05/01/92;
Exhibit #9 - 04/04/92;	Exhibit #21- 06/28/92;
Exhibit #10- 04/05/92;	Exhibit #22- 06/30/92;
Exhibit #11- 04/06/92;	Exhibit #23- 07/01/92;
Exhibit #12- 04/07/92;	Exhibit #24- 07/21/92.
	Exhibit #38- 07/28/92

Furthermore, The Commercial Appeal is a newspaper widely circulated in the city of Jackson and all the various counties in which this court draws its jury pool; attached hereto, marked exhibits are news articles which appeared in The Commercial Appeal on the following dates:

Exhibit #25- 04/01/92;	Exhibit #30- 04/10/92;
Exhibit #26- 04/02/92;	Exhibit #31- 04/11/92;
Exhibit #27- 04/03/92;	Exhibit #32- 05/01/92;
Exhibit #28- 04/05/92;	Exhibit #33- 06/28/92;
Exhibit #29- 04/06/92;	Exhibit #34- 06/30/92.

Such inflammatory news stories could not help but prejudice the people of this Court's jurisdiction against me.

3. Additionally, The Tennessean is a newspaper widely circulated in the City of Jackson; attached hereto, marked exhibits are news articles which appeared in The Tennessean on the following dates:

Exhibit #35- 04/01/92  
Exhibit #36- 04/02/92

4. Finally, the Hardeman County Leader is a newspaper that is widely circulated in this area; attached hereto, marked exhibit is a news article which appeared in the Hardeman County Leader on the following date:

COV - EXHIBIT [G]

Exhibit #37- 07/02/92

5. That WBBJ, a television station that is in the city of Jackson, is broadcasted throughout the area from which the jurors are drawn. On the 10th and 13th days of July, 1992 at 6 and 10 o'clock p.m. in a news broadcast transmitted over said station (Exhibit #39), coverage was broadcast regarding my case.

6. In view of the adverse pre-trial publicity which has been given to the case I can not obtain a fair and impartial trial in the city of Lexington and request a change of venue.

\_\_\_\_\_  
JON HALL

Sworn to and subscribed before me this the \_\_\_\_ day of \_\_\_\_\_, 1992.

\_\_\_\_\_  
NOTARY PUBLIC

My Commission Expires: \_\_\_\_\_

1

2

3

4

5

6

7 EXHIBIT 9 ID

8

Identified and authenticated, this

9

10 the 18<sup>th</sup> day of July,

11

12 2003.

13

14

15

16 JUDGE

17

18

19

20

21

22

23

24

1                   CERTIFICATE OF THE REPORTER

2                   I, AMY MAYS, Official Court  
3 Reporter, do hereby certify that the  
4 foregoing is a true, accurate and  
5 complete transcript, to the best of my  
6 knowledge and ability, of all the  
7 proceedings had and evidence introduced  
8 in the trial of the captioned cause,  
9 relative to appeal, in the Criminal  
10 Court of Madison County, Tennessee, on  
11 the 15th and 16th days of May, 2002.

12                  I do further certify that I am  
13 neither of kin, counsel nor interest to  
14 any party hereto.

15  
16                   August 15, 2002  
17                   DATE

18  
19  
20                   Amy Mays  
21                   AMY MAYS

CERTIFICATE OF THE COURT

THIS IS TO CERTIFY THAT THE  
TRANSCRIPT OF EVIDENCE ADDUCED AT THE  
TRIAL OF THIS CAUSE HAS BEEN FILED WITH  
THE CLERK OF THE COURT.

The Court has examined this  
Transcript of Evidence and has found it  
to be a true and accurate record of the  
proceedings.

Therefore, it is Ordered,  
Adjudged and Decreed that the Transcript  
of Evidence is hereby approved by the  
Court and will be part of the record on  
appeal in this case

DATE

JUDGE

ATTORNEY FOR THE PETITIONER

ATTORNEY FOR THE STATE